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5 IN THE UNITED STATES DISTRICT COURT
6
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8

9 UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

10 Plaintiff,

11 v.

12 GUILLERMO HERRERA, *et al.*

13 Defendants.
14 _____/

**ORDER DENYING WITHOUT
PREJUDICE DISCOVERY MOTIONS
FILED BY DEFENDANT GUILLERMO
HERRERA (DKT. NOS. 3070, 3245, 3246)**

15 Defendant Guillermo Herrera has filed a number of motions seeking discovery from the
16 government. The government's response to defendant Herrera's motion for discovery of
17 defendant Cruz-Ramirez's telephone records, however, made clear that all or at least some of
18 the motion practice may have been avoided if defense counsel first met and conferred with the
19 government prior to filing the motion (Dkt. Nos. 3070, 3193). Additionally, it appears that two
20 other recently-filed discovery motions may also be rendered moot in whole or in part if defense
21 counsel meets and confers with the government (Dkt. Nos. 3245, 3246). Accordingly, all three
22 motions are **DENIED** without prejudice to refiling after counsel meets and confers with the
23 government to determine whether the government even has the records defense counsel seeks or
24 if the government is unwilling to turn any such records over, if they exist. Indeed, this is the
25 procedure required by Criminal Local Rule 16-2.

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27 **IT IS SO ORDERED.**

28 Dated: February 3, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE